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(57) Abstract:

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# PATENT COOPERATION TREATY

# PCT

## DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference <b>8266 - 1262</b>	IMPORTANT DECLARATION	Date of mailing(day/month/year) <b>01/12/2004</b>
International application No. <b>PCT/US2004/016260</b>	International filing date(day/month/year) <b>20/05/2004</b>	(Earliest) Priority date(day/month/year) <b>21/05/2003</b>
International Patent Classification (IPC) or both national classification and IPC <b>A61G7/015</b>		
Applicant <b>HILL-ROM SERVICES, INC.</b>		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
  - a. ☐ scientific theories.
  - b. ☐ mathematical theories
  - c. ☐ plant varieties.
  - d. ☐ animal varieties.
  - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
  - f. ☐ schemes, rules or methods of doing business.
  - g. ☐ schemes, rules or methods of performing purely mental acts.
  - h. ☐ schemes, rules or methods of playing games.
  - i. ☐ methods for treatment of the human body by surgery or therapy.
  - j. ☐ methods for treatment of the animal body by surgery or therapy.
  - k. ☐ diagnostic methods practised on the human or animal body.
  - l. ☐ mere presentations of information.
  - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
 

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
 

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:
 

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:  

SEE FURTHER INFORMATION

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  <b>Elisabeth Vonk</b>
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## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

The present application includes 82 claims, 19 thereof being independent claims. Claims 1, 9, 16, 21, 31, 34, 38, 43, 48, 53, 56, 61, 65, 68, 74, 76, 80 and 80 are drafted as independent claims, differing from each other by their technical content and/or the definition of their technical content, and relating to an extremely large number of possible devices.

In view of the large number and also the wording of the claims presently on file, which render it impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of PCT Article 6 (see also PCT Rule 6.1(a)) to such an extent that a meaningful search on the basis of the claims is impossible.

The claims are directed to a patient support (claims 1 - 33, 38 - 82) and a castor (34 - 37)

The support device claims essentially define:

- gaps narrowing elements between the different parts of the support (claims 1 - 20, 56 - 64)
- a wheel assembly (21 - 33, 38 - 42)
- a brake with a controller (43 - 47)
- a deck with a plurality of sections (48 - 55)
- actuators and a controller (65 - 67)
- two adjacent siderails (68 - 80)
- a restraint holder (81 - 82)

in different combinations/permutations

The following features are included in the different claims:

- Elements for narrowing the gaps, i. e. elevated corner portion, curved end portion of the siderail, corner portion with an opening, corner portion with a handle, side rail with a transverse portion, board with extended portion, siderail with extended portion, board with a longitudinally extending portion, first, second and third curved portion in any of the different elements, gap filler in different positions, semicircular gap filler,
- Wheel position holder, a cam, a biaser, sinusoidal profile, circular cam surface, pair of raised surface, pair of lowered surfaces, four positions, a spring, means for positioning the wheel,
- a brake, a controller, an alarm, a lever
- removably coupleable panels, frame, a mattress, panel holders, panel holder trough apertures, inverted U-shaped members,
- articulated deck, actuators, controller, switch
- first siderail, second siderail, upper and lower portions of siderails, gaps, handles, curved portion, movable side rails, upwardly facing curved portion, downwardly facing curved portion, complementary siderails
- restraint holder, restraint strap, patient securing, opening in the deck panel

in different combinations/permutations as well.

Consequently there is an extremely large number of possible devices. These features are so many and so different in nature that no general common concept can be monitored that might represent the potential

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

invention.

Although no formal objection concerning lack of unity was made at this stage, because of the above lack of clarity and conciseness objection, it would also appear that some independent claims define subject matters which are not so linked as to form a single inventive concept.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.